

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Region 3

100 Hillside Avenue, Suite 1W, White Plains, NY 10603

P: (914) 803-8157 | F: (914) 428-0323

www.dec.ny.gov

Certified Mail

7016 1370 0000 1826 2448

June 6, 2019

Michael Barile and Tommy Boniello

Mahopac, NY 10541

NOTICE OF VIOLATION

Re: **NYSDEC Site Visit on May 31, 2019**
Unpermitted Facility
Blu at the Lake House
825 South Lake Blvd, Mahopac, NY 10541
Carmel (T), Putnam (Co.)

Dear Mr. Barile and Mr. Boniello,

On May 31, 2019, the New York State Department of Environmental Conservation (DEC) conducted a site visit at the above referenced facility (a restaurant) to assess compliance with the State Pollutant Discharge Elimination System (SPDES) permit program and the New York State Environmental Conservation Law (ECL).

A SPDES permit is required for discharges to groundwater of 1,000 gallons per day or more from wastewater treatment systems. The wastewater design flow for a facility is typically determined using either metered daily wastewater flow data from similar facilities, or from using the typical per-unit hydraulic loading rates provided in Table B-3 of the DEC Design Standards for Intermediate Sized Wastewater Treatment Systems. Table B-3 provides that for ordinary restaurants the rate is 35 gallons per day per seat, which may be reduced by 20 percent for establishments equipped with water saving plumbing fixtures. This restaurant has a seating capacity of 86 and utilizes an on-site septic system. Based on the seating capacity of the restaurant and the Design Standards for Intermediate Sized Wastewater Treatment Systems, a SPDES permit to discharge to the septic system is required. The DEC has not received an application for coverage under the SPDES program for this facility. Failure to obtain the required coverage under a



Department of
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Conservation

SPDES permit is a violation of Section 17-0803 of Article 17 of the ECL. The facility is required to take corrective actions to address this violation.

Please be aware that violations of Article 17 of the ECL, or any permit issued thereunder, shall be subject to penalties of up to \$37,500 per day for each violation.

The Department requests a meeting June 27, 2019 at 2:00 PM in the DEC White Plains office to discuss options to remedy this violation. Please contact me at (914) 803-8144 if this date and time do not work. Any alternate meeting time must be sooner than June 27, 2019.

Sincerely,


A handwritten signature in dark ink, appearing to read 'Eric Kim', with a stylized flourish at the end.

Eric Kim
Assistant Engineer

Enclosure: Inspection Report May 31, 2019
ecc: Lorraine Holdridge, P.E., NYSDEC Regional Water Engineer
Natalie Browne, NYSDEC Environmental Program Specialist 2



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF WATER
WASTEWATER FACILITY INSPECTION REPORT - SITE VISIT

Purpose of Inspection Recon		DEC Region 3	Date of Inspection 2019-05-31
SPDES Number Unpermitted	Facility Name Blu at the Lakehouse		Location (C,T,V) Carmel (T)
County Putnam	Name of Inspector Eric Kim		Type of Industry P/C/I
Summary Rating:			
Weather Conditions:			
Rating Codes: S = Satisfactory U = Unsatisfactory M = Marginal NI = Not Inspected NA = Not Applicable			
<p>Comments:</p> <p>Owner/Partner: Michael Barile present for inspection Lorraine Holdridge, NYSDEC R3 Regional Water Engineer, and Michael Budzinsky, Putnam County DOH, present for inspection</p> <p>Facility seats 86 people and has a maximum occupancy of 120 people.</p> <p>Wastewater from the facility is treated by a septic tank and leach field system. The leach field is located underneath the parking lot and is approximately 50 to 80 feet from Lake Mahopac. Michael Barile stated that the septic tank is pumped out monthly during the summer months and that records are available.</p>			
Signature of Inspector: 		Title: Assistant Engineer	Date: 6/6/19
Name of Facility Representative: Michael Barile		Title: Owner	Date: 5/31/19